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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,375	03/17/2004	Gerald Francis Barnes	10555	3810

7590 12/23/2005

MARK G. BOCCHETTI
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

EXAMINER

GUADALUPE, YARITZA

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,375	BARNES ET AL.	
	Examiner	Art Unit	
	Yaritza Guadalupe McCall	2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-15 is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/12/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement

1. The Amendment filed on October 3, 2005 has been entered. The present Office Action is made with all the suggested amendments being fully considered. Accordingly, pending in this Office action are claims 1 – 20.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 12, 2005 was considered by the Examiner. However, upon review, some of the references listed in the IDS, were previously cited by the Examiner in the PTO-892 form mailed to Applicant on June 10, 2005, and therefore, these listings were crossed out from the IDS submitted by the Applicant.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson et al. (US 6,647,235) in view of Iwata et al. (US .

Regarding claim 16, Patterson discloses a toner replenisher (20) for an electrographic imaging machine (10), comprising a replenisher housing defining a toner passage (22) comprising an inlet end; an agitator drive shaft (35) extending into the housing, a toner agitator (32) mounted to the drive shaft within the toner passage, the toner agitator comprising a plurality of fingers (32a, 32b) extending toward the inlet end; and, a funnel (See Figure 3) including one or more funnel walls (22) disposed at the inlet end and comprising an inlet mouth that matches a toner bottle (18) mouth and an outlet mouth smaller than the inlet mouth.

Patterson et al. does not disclose the toner replenisher having a sealing face as stated in claim 16 and the use of a pair of seals as stated in claims 17 - 18.

With regards to claims 16 – 18 and 20 : Iwata et al. discloses a toner replenishing device (#20, See Figure 5) comprising a toner container (30) having a funnel storing portion (31) including at least one funnel wall and a mouth portion / sealing face (32) having a seal member (33) fitted therein in order to prevent from leakage before and after replacement of the toner container (See Column 5, lines 49 – 56). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the toner bottle disclosed by Patterson with a toner bottle having an inlet mouth, a sealing face and a seal

member as taught by Iwata et al. in order to provide an improved toner replenisher that prevents from leakage before and after replacement of the toner container (See Column 5, lines 49 – 56) and since it is very well known in the art to use seals or rings when connecting surfaces that will transport fluids.

In regards to claim 19, Patterson et al. and Iwata et al. teaches a replenisher assembly (20) for an electrographic imaging machine (10), comprising a toner replenisher defining a toner passage (22) comprising an inlet end; a toner bottle (18, see Column 4, line 12) defining a toner bottle mouth attached to the inlet end (21); a toner flow restrictor (as suggested in column 1, lines 46 – 50) comprising a gap adjacent the toner bottle mouth between the toner bottle and the toner replenisher, since the union between the surfaces will inherently result in a gap, and, a seal (as modified with Iwata et al.) outside the toner flow restrictor between the toner bottle and the toner replenisher.

Allowable Subject Matter

5. Claims 1 – 15 are allowed.

Response to Arguments

6. Applicant's arguments with respect to claims 16 - 20 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yaritza Guadalupe McCall whose telephone number is (571)272-2244. The examiner can normally be reached on 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F.F. Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YGM
December 20, 2005



Yaritza Guadalupe-McCall
Patent Examiner
Art Unit 2859